

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 29, 2000

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Masterson, J. and Connie Hon, Deputy Clerk.

Each of the following:

B129115 D.C.F.S. v. Ramona S.
B131635 D.C.F.S. v. Melissa M.
B134690 D.C.F.S. v. Michelle M.
B134982 D.C.F.S. v. Rickie S. et al.
B135942 D.C.F.S. v. Arhlenn E.
B136977 Lorenza R. v. S.C.L.A. (D.C.F.S., r.p.i.)

Argument waived, cause submitted.

B127701 People
 v.
 Akhoyan

Merits:

Argued by Michael D. Abzug for appellant and by Analee J. Nations, deputy attorney general, for respondent. Cause submitted.

B132258 Takaki et al.
 v.
 Hawthorne Savings

Merits:

Argued by Jeffrey A. Tidus for appellant and by Craig B. Forry for respondents. Submission deferred pending settlement or stipulation by parties to dismiss appeal.

DIVISION ONE (Continued)

B120951 Baskin
 v.
 Stanford

Merits:

Argued by Paul Baskin, appellant in propria persona and by Frank Revere for respondent. Cause submitted.

Ortega, J. leaves the bench.

B138001 Howell et al.
 v.
 Superior Court, Los Angeles County
 (Swedelson & Gottlieb et al., r.p.i.)

Merits:

Argued by Robert S. Gerstein for petitioners and by Matt D. Ober for real parties in interest. Cause submitted.

Ortega, J. returns to the bench.

Masterson, J. leaves the bench.

B128305 Ko
 v.
 City Of Los Angeles et al.

Merits:

Argued by Raymond Paul Johnson for appellant, by Katherine Hamilton, deputy city attorney, for respondent (City of Los Angeles) and by Roger H. Granbo, deputy county counsel, for respondent (County Of Los Angeles). Cause submitted.

Masterson, J. returns to the bench.

Vogel (Miriam A.), J. leaves the bench.

DIVISION ONE (Continued)

B130570 Noring et al.
B132446 v.
 Popeney, Lebetsemer & Grange

Merits:
Argued by Larry A. Rothstein for appellants and by Michael M. Bergfeld
for respondent. Cause submitted.

Vogel (Miriam A.), J. returns to the bench.

B134631 Kidron
 v.
 Neilson

Merits:
Argued by Hillel Chodos for appellant and by James K. T. Hunter for
respondent. Cause submitted.

Spencer, P.J. leaves the bench.

B127813 Truck Insurance Exchange
 v.
 Unigard Insurance Company

Merits:
Argued by David F. Peterson for appellant and by Arthur R. Petrie, II for
respondent. Cause submitted.

Spencer, P. J. returns to the bench.

B132981 Levy et al.
 v.
 Pharmaceutical Distributors, Inc.

Merits:
Argued by Gary M. Gitlin for appellants and by William K. Mills for
respondent. Cause submitted.

DIVISION ONE (Continued)

B124727 Levy
 v.
 Pharmaceutical Distributors, Inc.

Merits:
Argued by Gary M. Gitlin for appellant and by William K. Mills for respondent. Cause submitted.

B119668 Hamaoui
B133428 v.
 Prisma Devices, Inc., et al.
 Brown, Jr.

Merits:
Argued by Richard A. Love for appellant/respondent (Hamaoui), by Lawrence C. Barth for respondents/appellants (Prisma Devices, Inc. et al.) and by Michael C. Denison for appellant/respondent (Brown, Jr.). Cause submitted.

Ortega, J. leaves the bench.

B126656 Michaels
 v.
 Wildenstein & Co., Inc.

Merits:
Argued by A. Charles Dell'Ario for appellant and by Curtis A. Cole for respondent. Cause submitted.

Ortega, J. returns to the bench.

B128129 Martin Cadillac Company, Inc.
 v.
 Murgo et al.

Merits:
Argued by Robert S. Gerstein for appellants and by Robert W. Beck for respondent. Cause submitted.

DIVISION ONE (Continued)

Masterson, J. leaves the bench.

B129296 Moody
 v.
 Boy Scouts Of America et al.

Merits:

Argued by Joseph Posner for appellant and by Richard P. Dieffenbach for respondents. Cause submitted.

B130651 Perfit
 v.
 Perfit

Merits:

Argued by Ronald L. M. Goldman for appellant and by Edmund S. Schaffer for respondent. Cause submitted.

Court adjourned at 12:30 P.M.

B136531 Guess, Inc. (Certified for Publication)
 v.
 Superior Court, Los Angeles County
 (Kyle R. Kirkland, et al., r.p.i.)

The petition is granted. Let a peremptory writ of mandate issue compelling the trial court (1) to vacate its order of October 19, 1999, granting Kirkland's motion to compel arbitration and (2) to enter a new order denying Kirkland's motion to compel arbitration and setting the case back on track for trial. Guess is awarded its costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Masterson, J.

DIVISION ONE (Continued)

B134690 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Michelle M.

The orders are affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Masterson, J.

B135942 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Arhlenn E.

The orders are affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

B122340 People Power et al. (Not for Publication)
v.
Pacificia Management Consultants, Inc., et al.
Charles Van Fosson

The appeal from the judgment on the jury verdict is dismissed as premature. The order granting a limited new trial on the issues of (1) Fosson's partnership status and (2) cross-complainants' damages is affirmed. The parties are to pay their own costs on appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Masterson, J.

March 29, 2000-Continued

DIVISION ONE (Continued)

B137734 Yvonne G. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services,, r.p.i.)

The petition is denied.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

B130086 Manhole Adjusting Inc. et al. (Not for Publication)
v.
Edgington Oil Company

The order is affirmed. Edgington is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

B133600 Nippon Medical Clinic et al. (Not for Publication)
v.
The Regents of the University of California et al.

The judgment is affirmed. UCLA is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

DIVISION ONE (Continued)

B129050 Ginger Westmoland (Not for Publication)
 v.
 Hamdon Entertainment

The judgment is affirmed. Hamdon Entertainment is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
 Masterson, J.

B130650 Peter Ortega et al. (Not for Publication)
 v.
 TIG Insurance Company

The judgment of dismissal is affirmed. TIG is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
 Masterson, J.

B135863 California Medical
 Association et al. (Certified for Publication)
 v.

The Regents of the University of California et al.

The preliminary injunction and the order granting it are reversed. The Regents and UCLA-Santa Monica are awarded their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Masterson, J.

March 29, 2000-Continued

DIVISION ONE (Continued)

B127918 People (Not for Publication)
v.
Salazar et al.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B130547 People (Not for Publication)
v.
Clarke

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B133321 People (Not for Publication)
v.
Quintero

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

March 29, 2000-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

B131324 People (Not for Publication)
v.
Vann

The judgment is affirmed and the cause is remanded to the trial court with directions to clarify Vann's sentence and to issue a corrected abstract of judgment.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

B131003 People v. Rayford (Not for Publication)

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

March 29, 2000-Continued

DIVISION TWO

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Cooper, J., Mallano, J. (Assigned)

B132376 People (Not for Publication)
v.
Gilmore et al.

The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
 Nott, J.

[illegible]

The appeal regarding the Etesse defendants is dismissed. The judgment as to defendant Hill is reversed. The parties are to bear their own costs on appeal.

Cooper, J.

We concur: Boren, P.J.
Mallano, J. (Assigned)

March 29, 2000-Continued

DIVISION TWO (Continued)

B129709 People (Not for Publication)
v.
Maldonado

The judgment is modified to impose a penalty assessment of \$50 (1464, subd. (a)) and a second penalty assessment of \$35 (Gov. Code, 76000, subd. (a) based on the \$50 criminal laboratory analysis fee imposed. The abstract of judgment shall be amended to reflect the \$50 criminal laboratory analysis fee and the penalty assessments. In all other respects, the judgment is affirmed.

Cooper, J.

We concur: Nott, Acting P.J.
 Mallano, J. (Assigned)

DIVISION THREE

B130312 People (Not for Publication)
v.
Hernandez

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B134106 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Nicol W.

The orders of the juvenile court are affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Berle, J. (Assigned)

B132615 Moulden (Not for Publication)
 v.
 Moulden

The appeal is dismissed to the extent that it is taken from the December 1, 1998, order continuing the hearing on appellant's order to show cause. The temporary restraining order issued on December 1, 1998, is reversed, and the matter is remanded to the family court for further proceedings in accordance with this opinion. The parties shall bear their own costs.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B131222 People (Not for Publication)
 v.
 Green

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
 Hastings, J.

March 29, 2000-Continued

DIVISION FOUR (Continued)

[illegible]

For the foregoing reasons, the judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B135747 People (Not for Publication)
v.
Montoya, Jr.

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION SEVEN

B135452 People (Not for Publication)
v.
Angel

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B130158 People v. Avery (Not for Publication)

The judgment is affirmed. The superior court shall cause its clerk to prepare and send to the California Department of Corrections an amended abstract of judgment which states that appellant is sentenced to an aggregate three-year term in state prison for felonious assault and the court imposed a parole revocation restitution fine under Penal Code section 1202.45 in the amount of \$1,000. Any reference to a weapons use enhancement under Penal Code section 12022, subdivision (b)(1), is to be omitted from the new amended abstract of judgment.

Woods, J.

We concur: Lillie, P.J.
Woods, J.

B129589 People (Not for Publication)
v.
Patchen

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
 Neal, J.

B133393 Legal Document Systems, Inc. (Not for Publication)
v.
Olsten Staffing Services, Inc.

The judgment is reversed. Appellant is awarded costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B130702 Fain v. Paul
B136184 Fain v. Paul
B138187 Fain v. Paul

Filed order consolidating above captioned appeals.

B109409 People
v.
Valentine

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)